

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

<b>ADAM DALE LOW,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>NO. 1:17-cv-00054</b>
	)	
<b>KRISTEN BUTTRAM, et al.,</b>	)	<b>JUDGE CAMPBELL</b>
	)	<b>MAGISTRATE JUDGE</b>
<b>Defendants.</b>	)	<b>HOLMES</b>

**ORDER**

Pending before the Court is the Magistrate Judge’s Report and Recommendation on Defendants’ motion for summary judgment (Doc. No. 46), which was filed on October 11, 2018. (Doc. No. 62). In the Report and Recommendation, the Magistrate Judge recommends Defendants’ motion be granted on the grounds of Plaintiff’s failure to comply with the exhaustion requirement of the Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), and this action be dismissed with prejudice.

Although the Report and Recommendation advised the parties that any objections must be filed within fourteen days of service, no objections were filed.

The Court has reviewed the Report and Recommendation and concludes that it should be adopted and approved. Accordingly, Defendant motion for summary judgment is **GRANTED** and this action is **DISMISSED** with prejudice.<sup>1</sup> The Clerk is directed to close the file.

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<sup>1</sup> As the Magistrate Judge noted in the Report and Recommendation, the Sixth Circuit previously affirmed a decision of this Court that dismissed with prejudice a Section 1983 action for failure to exhaust where to do otherwise would be futile because the time to file a grievance had long since run. *See Howard v. State of Tennessee Department of Correction*, 1:12-0004 (M.D. Tenn., July 2, 2013) (*aff’d* 6th Cir. No. 13-6095, mandate issued July 16, 2014). Because the alleged events that give rise to this action occurred more than one year ago, the time for Plaintiff to exhaust his administrative remedies has passed and the Court sees no purpose in dismissing the action without prejudice to give Plaintiff the opportunity to comply with the PLRA’s exhaustion requirement.

It is so **ORDERED**.

A handwritten signature in black ink, reading "William L. Campbell, Jr.", written over a horizontal line.

WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE